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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE SUSAN VAN KEULEN

UNITED STATES OF AMERICA,)	
)	
PLAINTIFF,)	
)	
VS.)	NO. 18-CR-00258
)	
ELIZABETH HOLMES AND RAMESH)	
BALWANI,)	
)	SAN JOSE, CALIFORNIA
DEFENDANTS.)	FRIDAY
)	JUNE 15, 2018
_____)	

TRANSCRIPT OF PROCEEDINGS OF THE OFFICIAL ELECTRONIC SOUND

RECORDING 1:46 P.M. - 2:09 P.M.

APPEARANCES:

FOR PLAINTIFF

US ATTORNEY'S OFFICE
NORTHERN DISTRICT OF CALIFORNIA
150 ALMADEN BLVD, SUITE 900
SAN JOSE, CALIFORNIA 95113
BY: JEFFREY BENJAMIN SCHENK
JOHN CURTIS BOSTIC
ASSISTANT UNITED STATES ATTORNEYS

FOR DEFENDANT HOLMES

LAW OFFICE OF JOHN D. CLINE
235 MONTGOMERY STREET, SUITE 1070
SAN FRANCISCO, CALIFORNIA 94104
BY: JOHN D. CLINE, ESQUIRE

(FURTHER APPEARANCES ON FOLLOWING PAGE)

TRANSCRIBED BY: JOAN MARIE COLUMBINI, CSR #5435, RPR
RETIRED OFFICIAL COURT REPORTER, USDC

APPEARANCES (CONTINUED) :

FOR DEFENDANT HOLMES WILLIAMS AND CONNOLLY LLP
725 12TH ST NW
WASHINGTON, DC 20016

BY: KEVIN M. DOWNEY, ESQUIRE

FOR DEFENDANT BALWANI DAVIS WRIGHT TREMAINE LLP
1201 THIRD AVENUE, SUITE 2200
SEATTLE, WASHINGTON 98101-3045

**BY: JEFFREY BRUCE COOPERSMITH, ESQUIRE
KELLY MICHELLE GORTON, ESQUIRE**

ALSO PRESENT: ALLEN LEW, PRETRIAL SERVICES

1 FRIDAY, JUNE 15, 2018

1:46 P.M.

2 (TRANSCRIBER'S NOTE: DUE AT TIMES TO COUNSELS' FAILURE TO
3 IDENTIFY THEMSELVES WHEN SPEAKING, CERTAIN SPEAKER
4 ATTRIBUTIONS ARE BASED ON EDUCATED GUESS.)

5 ---000---

6 PROCEEDINGS

7
8 **THE CLERK:** CALLING CRIMINAL 18-0258-1, UNITED STATES
9 VERSUS ELIZABETH HOLMES; 18-258-2, UNITED STATES VERSUS RAMESH
10 BALWANI.

11 **THE COURT:** ALL RIGHT, COUNSEL. CAN I HAVE YOUR
12 APPEARANCES, PLEASE?

13 **MR. CLINE:** YOUR HONOR, JOHN CLINE FOR MS. HOLMES.
14 WITH ME IS KEVIN DOWNEY. MR. DOWNEY IS GOING TO BE THE LEAD
15 COUNSEL. HE'S FROM OUTSIDE THE DISTRICT. HE'LL BE FILING A
16 PRO HAC APPLICATION PROMPTLY.

17 **THE COURT:** ALL RIGHT. GOOD AFTERNOON, MR. CLINE,
18 MR. DOWNEY.

19 **MR. DOWNEY:** GOOD AFTERNOON, YOUR HONOR.

20 **MR. COOPERSMITH:** YOUR HONOR, JEFF COOPERSMITH FROM
21 DAVIS, WRIGHT, TREMAINE. I REPRESENT RAMESH BALWANI. AND WITH
22 ME IS MY COLLEAGUE KELLY GORTON, ALSO FROM MY FIRM.

23 **THE COURT:** MR. COOPERSMITH, MS. GORTON, WELCOME.
24 AND FOR THE GOVERNMENT?

25 **MR. SCHENK:** GOOD AFTERNOON, YOUR HONOR, JEFF SCHENK

1 ON BEHALF OF THE UNITED STATES.

2 **MR. BOSTIC:** AND JOHN BOSTIC, ALSO FOR THE UNITED
3 STATES. GOOD AFTERNOON, YOUR HONOR.

4 **THE COURT:** MR. SCHENK, MR. BOSTIC, WELCOME.

5 ALL RIGHT. WE'RE ON TODAY FOR INITIAL APPEARANCES
6 AND ARRAIGNMENTS OF HOLMES AND BALWANI.

7 MS. HOLMES AND MR. BALWANI, I WILL ADVISE YOU AGAIN
8 OF YOUR RIGHTS.

9 **MR. SCHENK:** YOUR HONOR, I'M SORRY. THE UNITED
10 STATES MOVE TO UNSEAL --

11 **THE COURT:** THANK YOU.

12 **MR. SCHENK:** -- THE CHARGING DOCUMENT.

13 **THE COURT:** THANK YOU, MR. SCHENK. THE FILE IS
14 UNSEALED. THE CHARGING DOCUMENT IS UNSEALED.

15 MS. HOLMES, MR. BALWANI I WILL ADVISE YOU AGAIN OF
16 YOUR RIGHTS, AND THEN WE WILL REVIEW THE CHARGES THAT HAVE BEEN
17 BROUGHT AGAINST YOU, ALONG WITH THE PENALTIES ASSOCIATED WITH
18 THOSE CHARGES, AND THEN WE WILL MOVE TO FURTHER PROCEEDINGS.

19 MS. HOLMES, MR. BALWANI, YOU EACH -- EXCUSE ME -- YOU
20 EACH HAVE THE RIGHT TO REMAIN SILENT. ANYTHING YOU SAY MAY BE
21 USED AGAINST YOU. YOU MAY INVOKE THIS RIGHT AT ANY TIME. EVEN
22 IF YOU'VE ALREADY STARTED TO ANSWER QUESTIONS OF THE
23 GOVERNMENT, YOU MAY STOP.

24 YOU ALSO HAVE THE RIGHT TO COUNSEL. IF YOU CANNOT
25 AFFORD COUNSEL, ONE WILL BE APPOINTED FOR YOU. AND YOU BOTH

1 EACH HAVE COUNSEL THAT HAVE APPEARED ON YOUR BEHALF HERE TODAY.

2 MR. SCHENK, WOULD YOU READ THE CHARGES PLEASE?

3 **MR. SCHENK:** YES, YOUR HONOR. THE INDICTMENT
4 CONTAINS 11 CHARGES, TWO CRIMES. THE FIRST CRIME FOUND IN
5 COUNTS ONE AND TWO OF THE INDICTMENT IS A VIOLATION OF TITLE
6 18, UNITED STATES CODE SECTION 1349, THAT IS CONSPIRACY TO
7 COMMIT WIRE FRAUD. EACH COUNT ALLEGES A DIFFERENT CONSPIRACY.
8 THE REMAINING COUNTS IN THE INDICTMENT, THAT IS 3 THROUGH 11
9 ARE SUBSTANTIVE COUNTS OF WIRE FRAUD IN VIOLATION OF TITLE 18,
10 UNITED STATES CODE SECTION 1343.

11 THE MAXIMUM PENALTIES FOR THE OFFENSE, IF CONVICTED,
12 ARE 20 YEARS IMPRISONMENT, A \$250,000 FINE, THREE YEARS OF
13 SUPERVISED RELEASE, AND A ONE HUNDRED DOLLAR SPECIAL
14 ASSESSMENT. THAT IS FOR EACH COUNT, AND THERE ALSO IS A
15 FORFEITURE ALLEGATION IN THE INDICTMENT.

16 **THE COURT:** THANK YOU. MR. CLINE -- OH, THAT'S FINE.

17 MR. CLINE, DO YOU WAIVE A MORE PARTICULARIZED
18 READING?

19 **MR. CLINE:** WE DO.

20 **THE COURT:** ALL RIGHT. AND MR. COOPERSMITH, DO YOU
21 WAIVE A MORE PARTICULARIZED READING OF THE CHARGES?

22 **MR. COOPERSMITH:** YES, YOUR HONOR.

23 **THE COURT:** ALL RIGHT. AND, MR. CLINE, DO WE HAVE A
24 PLEA FOR MS. HOLMES THIS AFTERNOON?

25 **MR. CLINE:** MS. HOLMES PLEADS NOT GUILTY.

1 **THE COURT:** AND, MR. COOPERSMITH, FOR DEFENDANT
2 BALWANI?

3 **MR. COOPERSMITH:** MR. BALWANI PLEADS NOT GUILTY.

4 **THE COURT:** THANK YOU. THOSE PLEAS ARE ENTERED.
5 AND FROM THE GOVERNMENT, FURTHER PROCEEDINGS?

6 **MR. SCHENK:** YES, WE DISCUSSED PUTTING THE MATTER IN
7 FRONT OF -- THE GOVERNMENT IS GOING TO RECOMMEND BAIL. WE
8 DISCUSSED THE NEXT DATE. THE CASE IS ASSIGNED TO JUDGE KOH.
9 THERE IS, AT LEAST IN THE GOVERNMENT'S VIEW, A RELATED CASE
10 BEFORE JUDGE FREEMAN, SO THE GOVERNMENT IS GOING TO FILE A
11 NOTICE OF RELATED CASES. WE HOPE TO GET THAT ON FILE TODAY.

12 **THE COURT:** OKAY.

13 **MR. SCHENK:** BUT FOR TODAY'S PURPOSES, I THINK WE
14 SHOULD SET THE MATTER BEFORE JUDGE KOH. IT'S ASSIGNED TO HER.

15 **THE COURT:** WE HAVE TO.

16 **MR. SCHENK:** I UNDERSTAND HER NEXT AVAILABLE IS
17 AUGUST 15 OF THIS YEAR AT 9:15 IN THE MORNING. THE GOVERNMENT
18 WOULD REQUEST, AND I UNDERSTAND THE DEFENSE SUPPORTS, THAT TIME
19 BE EXCLUDED BETWEEN TODAY'S DATE AND THE 15TH OF AUGUST TO
20 ALLOW FOR EFFECTIVE DEFENSE PREPARATION. SO WE CAN USE THAT AS
21 OUR DATE IN THE BOND FORM -- I'VE ALREADY SPOKEN TO ATTORNEYS
22 FOR BOTH MS. HOLMES AND MR. BALWANI ABOUT BOND CONDITIONS. WE
23 STARTED THE FORM.

24 THE GOVERNMENT, IN SUMMARY, RECOMMENDS A \$500,000
25 SIGNATURE BOND SECURED BY THE DEFENDANTS' SIGNATURE. NO

1 PROPERTY WILL BE PUT UP. AND SOME OF THE STANDARD CONDITIONS,
2 WE'VE AGREED ON WHICH BOXES TO CHECK, WE'VE CHECKED THOSE
3 BOXES.

4 THE ONE THING, THOUGH, THAT I SPOKE TO PRETRIAL ABOUT
5 EARLIER AND I WANTED TO ALERT THE COURT TO IS, FOR TRAVEL
6 RESTRICTIONS, WE PROPOSE THE FOLLOWING -- AND THAT IS --

7 **THE COURT:** SO LET ME JUST INTERRUPT YOU THERE FOR
8 ONE MOMENT BEFORE WE GET TOO FAR INTO THE CONDITIONS.

9 MS. HARRELL, CAN YOU CONFIRM FOR ME, PLEASE, JUDGE
10 KOH'S AVAILABILITY ON AUGUST 15TH?

11 **THE CLERK:** THAT'S CORRECT, YOUR HONOR. SHE IS
12 AVAILABLE ON AUGUST 15TH.

13 **THE COURT:** OKAY. THEN THAT WILL BE THE NEXT DATE.
14 AND, MR. CLINE, IS THAT -- YOU'VE AGREED TO THAT
15 DATE; IS THAT RIGHT?

16 **MR. CLINE:** YES.

17 **THE COURT:** ALL RIGHT. AND MR. COOPERSMITH?

18 **MR. COOPERSMITH:** YES, YOUR HONOR.

19 **THE COURT:** OKAY. AND EXCLUSION OF TIME, MR. CLINE?

20 **MR. CLINE:** NO OBJECTION.

21 **THE COURT:** AND MR. COOPERSMITH?

22 **MR. COOPERSMITH:** NO OBJECTION.

23 **THE COURT:** ALL RIGHT. OKAY. NOW TO THE CONDITIONS
24 OF RELEASE, AND THERE WAS ONE ISSUE, IT SOUNDS LIKE.

25 **MR. SCHENK:** YES, I THINK WE'RE IN AGREEMENT ON ALL

1 OF THEM. I'D JUST LIKE TO DIRECT THE COURT'S ATTENTION TO ONE
2 PARTICULAR CONDITION, AND THAT IS THE STANDARD TRAVEL
3 RESTRICTION ORDINARILY WOULD BE TO THE NORTHERN DISTRICT. EACH
4 DEFENDANT HAS COUNSEL OUTSIDE OF THIS DISTRICT. THEY SHOULD BE
5 ALLOWED ACCESS TO MEET WITH THE ATTORNEY WITHOUT THE APPROVAL
6 OF THE U.S. ATTORNEY'S OFFICE. I THINK THAT PRETRIAL WANTS
7 PRIOR NOTICE OF TRAVEL EITHER TO THE WESTERN DISTRICT OF
8 WASHINGTON FOR MR. BALWANI OR THE DISTRICT OF THE DISTRICT OF
9 COLUMBIA FOR MS. HOLMES. SO WE WOULD EXPAND THAT TRAVEL
10 CONDITION BEYOND THE NORTHERN DISTRICT OF CALIFORNIA.

11 WE ALSO WOULD ASK -- AND I'VE SPOKEN TO OFFICER LEW
12 ABOUT THIS -- THAT FOR THE FIRST 30 DAYS PRETRIAL SERVICES AND
13 THE GOVERNMENT PREAPPROVE DOMESTIC TRAVEL REQUESTS, AND AFTER
14 THAT 30 DAYS, PRETRIAL WILL MAKE A DECISION AND WILL LIKELY
15 SUBMIT A REQUEST TO THE COURT TO REMOVE THE PREAPPROVAL TRAVEL
16 RESTRICTION REQUEST AND JUST REQUIRE NOTICE IN ADVANCE OF ALL
17 TRAVEL.

18 **THE COURT:** ALL RIGHT. AND OFFICER LEW?

19 **OFFICER LEW:** GOOD AFTERNOON, YOUR HONOR. ALLEN LEW
20 WITH U.S. PRETRIAL.

21 **THE COURT:** THANK YOU.

22 **OFFICER LEW:** THAT IS CORRECT, YOUR HONOR. WE HAD AN
23 OPPORTUNITY TO DISCUSS THIS, AND THAT'S NOT A PROBLEM WITH US.

24 **THE COURT:** OKAY. ALL RIGHT.

25 **OFFICER LEW:** IN TERMS OF THE TRAVEL.

1 **THE COURT:** ALL RIGHT. AND MR. CLINE?

2 **MR. CLINE:** NO OBJECTION, YOUR HONOR.

3 **THE COURT:** ALL RIGHT. AND, MR. COOPERSMITH?

4 **MR. COOPERSMITH:** NO OBJECTION, YOUR HONOR.

5 ALL RIGHT. THEN IS THERE A BOND FORM? BOND FORMS?
6 WHY DON'T YOU TAKE A MOMENT AND REVIEW THOSE CONDITIONS IF THEY
7 ARE AS MR. SCHENK HAS IDENTIFIED? REVIEW THOSE WITH YOUR
8 CLIENTS, AND HAVE THEM INITIAL CONDITIONS ON THE BOTTOM FORM
9 IN.

10 **UNIDENTIFIED SPEAKER:** (INDISCERNIBLE) WILL DO THAT
11 AND SIGN THE FORM.

12 **THE COURT:** EXACTLY.

13 **UNIDENTIFIED SPEAKER:** YOUR HONOR, THE ONLY THING
14 WE'RE STRUGGLING WITH IS THE AMOUNT OF SPACE IN THE DIFFERENT
15 TRAVEL CONDITIONS.

16 **THE COURT:** OKAY. I'LL TAKE CARE OF IT.

17 **UNIDENTIFIED SPEAKER:** (INDISCERNIBLE) THANK YOU.

18 **THE COURT:** I'LL -- MR. SCHENK, I'LL GIVE EVERYONE AN
19 OPPORTUNITY TO SEE HOW I WRITE IT AT THE END.

20 **MR. SCHENK:** THANK YOU.

21 **MR. COOPERSMITH:** YOUR HONOR, MR. BALWANI SIGNED THE
22 BOND FORM, OBVIOUSLY, SUBJECT TO THE COURT (INDISCERNIBLE).

23 **THE COURT:** I UNDERSTAND.

24 **MR. COOPERSMITH:** THANK YOU, YOUR HONOR.

25 **THE COURT:** WE GOT A LITTLE BIT AHEAD ON THE

1 SIGNATURES FOR EXPEDIENCY, BUT LET ME HAVE THE FORM. I'LL
2 WRITE IN THE CONDITION OR --

3 **MR. COOPERSMITH:** THANK YOU, YOUR HONOR.

4 **THE COURT:** EVERYONE WILL GET A CHANCE TO SEE IT
5 AGAIN BEFORE I SIGN IT. HOW ABOUT THAT?

6 MS. HARRELL, IF YOU'LL HAND ME THE ONE YOU'RE DONE
7 WITH, I'LL TAKE A STAB AT THAT.

8 IT'S WESTERN DISTRICT OF WASHINGTON, RIGHT?

9 **MR. CLINE:** YES, YOUR HONOR.

10 **THE COURT:** 30 DAYS FROM TODAY, MR. SCHENK, ON THE
11 TRAVEL REQUEST FOR APPROVAL, 30 DAYS FROM TODAY?

12 **MR. SCHENK:** YES, YOUR HONOR.

13 **THE COURT:** AFTER THE 30-DAY PERIOD, IT'S WITH NOTICE
14 TO PRETRIAL SERVICES.

15 **OFFICER LEW:** YES, YOUR HONOR, AND WE'LL SUBMIT A
16 MEMORANDUM RECOMMENDING THE BOND BE MODIFIED AS LONG AS
17 EVERYTHING SEEMS TO BE WORKING OUT WELL.

18 **MR. COOPERSMITH:** YOUR HONOR, ONE VERY SMALL THING.
19 THERE ARE PLENTY OF NONSTOP FLIGHTS BETWEEN THE BAY AREA AND
20 SEATTLE, BUT ONCE EVERY ONCE IN A WHILE WE HAVE TO STOP IN
21 PORTLAND OR SOMETHING. I ASSUME THAT'S NOT AN ISSUE IF HE
22 (INDISCERNIBLE.)

23 **THE COURT:** WON'T BE AN ISSUE IF HE'S IN TRANSIT.

24 **MR. COOPERSMITH:** THANK YOU, YOUR HONOR.

25 **THE COURT:** D.C. DISTRICT.

1 **MR. CLINE:** DISTRICT, YEAH, DISTRICT OF THE DISTRICT
2 OF COLUMBIA.

3 **THE COURT:** MS. HARRELL, WOULD YOU HAND THESE BACK TO
4 COUNSEL, PLEASE? ONE TO MR. COOPERSMITH, AND THIS ONE TO
5 MR. CLINE. PERHAPS NOT THE MOST ELEGANT STATEMENT, BUT I
6 BELIEVE IT'S ACCURATE AND (INDISCERNIBLE).

7 **UNIDENTIFIED SPEAKER:** YOUR HANDWRITING IS MUCH
8 BETTER THAN I (INDISCERNIBLE).

9 **THE COURT:** WELL, I HOPE THAT'S NOT CORRECT.

10 **MR. CLINE:** YOUR HONOR, ACTUALLY, I THINK SOMETHING
11 DIFFERENT WAS CONTEMPLATED. AFTER 30 DAYS, ASSUMING PRETRIAL
12 SERVICES MAKES THE RECOMMENDATION, THAT THE DEFENDANTS WOULD BE
13 ABLE TO TRAVEL DOMESTICALLY.

14 **THE COURT:** ALL DOMESTIC TRAVEL?

15 **MR. CLINE:** YES, ALL DOMESTIC TRAVEL.

16 **THE COURT:** ALL RIGHT. YOU DID SAY THAT, MR. SCHENK?

17 **MR. SCHENK:** THAT IS --

18 (SIMULTANEOUS COLLOQUY.)

19 **THE COURT:** NO, I'LL CORRECT THAT.

20 **MR. SCHENK:** THANK YOU, YOUR HONOR.

21 **MR. CLINE:** YOUR HONOR, ONE OTHER THING. SORRY
22 ABOUT, THIS.

23 **THE COURT:** NO, IT'S...

24 **MR. CLINE:** I THINK FOR THE FIRST 30 DAYS TRAVEL TO
25 VISIT MR. DOWNEY REQUIRES NOTICE BUT NOT APPROVAL, NOT

1 PREAPPROVAL. AFTER 30 DAYS, THEN IT'S NOTICE EVERYWHERE IN THE
2 U.S., NOTICE ONLY EVERYWHERE IN THE U.S., ASSUMING EVERYTHING
3 GOES WELL. AND I THINK THE WAY THIS IS WRITTEN MAKES IT SOUND
4 LIKE SHE NEEDS TO GET APPROVAL TO GO SEE MR. DOWNEY.

5 **THE COURT:** THAT'S EXACTLY THE WAY IT WAS WRITTEN
6 BECAUSE I DID NOT UNDERSTAND THE -- UNDERSTAND THAT.

7 **MR. CLINE:** THE COMPLEXITY OF --
8 (SIMULTANEOUS COLLOQUY.)

9 **THE COURT:** THE WAY YOU ARTICULATED, THE WAY I
10 THOUGHT I UNDERSTOOD IT. OKAY. LET'S TRY AGAIN. I THINK I
11 CAN FIX THIS.

12 SO TRAVEL IN MS. HOLMES' CASE?

13 **MR. SCHENK:** THE COURT MIGHT JUST WRITE "AS DESCRIBED
14 IN COURT." I THINK WE ALL UNDERSTAND EXACTLY --

15 **THE COURT:** I THINK YOU DO, TOO. I JUST WANT THE
16 FORM TO BE CORRECT. I'VE COME THIS FAR, MR. SCHENK. OKAY. OR
17 I COULD JUST DO AS YOU SUGGESTED.

18 **MR. COOPERSMITH:** SEEMS MORE APPEALING.

19 **THE COURT:** IT'S NOT VERY OFTEN YOU GET TO TELL THE
20 JUDGE THEY MADE IT COMPLETELY WRONG, BUT THAT WAS YOUR ONE
21 OPPORTUNITY.

22 ALL RIGHT. I HAVE THE CONDITIONS OF RELEASE AND
23 APPEARANCE FOR EACH OF THE DEFENDANTS.

24 MS. HOLMES AND MR. BALWANI, YOU'LL BE RELEASED ON THE
25 FOLLOWING CONDITIONS:

1 YOUR RELEASE IS CONDITIONAL, AND SHOULD YOU FAIL TO
2 COMPLY WITH THESE CONDITIONS, YOUR BAIL CAN BE REVOKED AND YOU
3 CAN BE REMANDED TO CUSTODY. YOU ARE EACH RELEASED ON A
4 \$500,000 BOND. SHOULD YOU FAIL TO MAKE FURTHER COURT
5 APPEARANCES OR COMPLY WITH THE CONDITIONS, THE GOVERNMENT CAN
6 SEEK TO ENFORCE PAYMENT OF THE BOND.

7 YOU ARE ALSO SUBJECT TO THE FOLLOWING CONDITIONS:
8 YOU ARE TO APPEAR AT ALL COURT PROCEEDINGS.

9 YOU ARE NOT TO COMMIT ANY FEDERAL, STATE, OR LOCAL
10 CRIME DURING THE PERIOD OF YOUR RELEASE.

11 YOU ARE NOT TO CONTACT, HARASS, THREATEN OR OTHERWISE
12 INTERACT WITH ANY WITNESS, VICTIM, INFORMANT, OR ANYONE ELSE
13 RELATED TO ANY CRIMINAL INVESTIGATION.

14 YOU ARE NOT TO TRAVEL OUTSIDE THE NORTHERN DISTRICT
15 OF CALIFORNIA EXCEPT, AS WE'VE DISCUSSED HERE IN COURT TODAY,
16 FOR THE PURPOSES OF SEEING COUNSEL.

17 YOU ARE TO REPORT IN PERSON IMMEDIATELY UPON YOUR
18 RELEASE TO PRETRIAL SERVICES HERE IN SAN JOSE. CORRECT?

19 **UNIDENTIFIED SPEAKER:** YES, YOUR HONOR. WE'VE
20 ADVISED THE COUNSEL OF THAT.

21 **THE COURT:** YOU ARE EACH TO SURRENDER YOUR PASSPORTS
22 TO THE COURT TODAY. I'M READING THAT CORRECTLY, RIGHT?

23 **UNIDENTIFIED SPEAKER:** YES.

24 **OFFICER LEW:** YOUR HONOR, ACTUALLY, NORMALLY IT'S TO
25 OUR OFFICE, THE PASSPORTS.

1 **THE COURT:** CORRECT. SURRENDER THE PASSPORTS TO
2 PRETRIAL SERVICES.

3 NEITHER OF YOU ARE ALLOWED TO POSSESS ANY FIREARM,
4 DESTRUCTIVE DEVICE OR OTHER DANGEROUS WEAPON.

5 YOU ARE TO HAVE NO CONTACT WITH ANY CO-DEFENDANT
6 WITHOUT THE PRESENCE OF COUNSEL, AND YOU ARE NOT TO CHANGE
7 RESIDENCE WITHOUT PRIOR APPROVAL OF PRETRIAL SERVICES.

8 MS. HOLMES, DO YOU UNDERSTAND THESE CONDITIONS OF
9 YOUR RELEASE?

10 **MS. HOLMES:** YES.

11 **THE COURT:** AND, MR. BALWANI, DO YOU UNDERSTAND THE
12 CONDITIONS OF YOUR RELEASE?

13 **MR. BALWANI:** YES, YOUR HONOR.

14 **THE COURT:** ALL RIGHT. AND I HAVE SIGNED ON THESE,
15 MS. HARRELL.

16 THANK YOU. ALL RIGHT. ANYTHING FURTHER?

17 **MR. SCHENK:** NO, YOUR HONOR. JUST CONFIRMING THAT
18 THE DEFENDANTS ARE ORDERED TO APPEAR ON AUGUST 15TH.

19 **THE COURT:** NEXT APPEARANCE IS BEFORE JUDGE KOH,
20 UNLESS YOU RECEIVE FURTHER NOTICE FROM THE COURT, ON
21 AUGUST 15TH.

22 ALL RIGHT. THE DEFENDANTS WILL RETURN WITH THE
23 MARSHALS FOR PROCESSING, BUT YOU WILL BE RELEASED TODAY ON THE
24 CONDITIONS IDENTIFIED HERE IN COURT.

25 **THE CLERK:** YOUR HONOR. I'M SORRY. EACH DEFENDANT

1 NEEDS TO SIGN HIS OWN SURETY.

2 **THE COURT:** GET YOUR SIGNATURE ON THE...

3 MR. SCHENK, ANYTHING FURTHER FROM THE GOVERNMENT?

4 **MR. SCHENK:** I AM JUST CONFIRMING THAT TIME WAS
5 EXCLUDED. I KNOW THE COURT ASKED IF THERE WAS ANY OBJECTION
6 AND THERE WAS NONE.

7 **THE COURT:** NO OBJECTION. SO TIME IS EXCLUDED FROM
8 TODAY UNTIL AUGUST 15TH TO ALLOW FOR EFFECTIVE PREPARATION OF
9 COUNSEL.

10 ANYTHING FURTHER, GENTLEMEN?

11 **MR. COOPERSMITH:** NO, YOUR HONOR.

12 **MR. SCHENK:** NO, YOUR HONOR.

13 **MR. CLINE:** NO, YOUR HONOR.

14 **THE COURT:** ALL RIGHT. WE'RE ADJOURNED.

15 (PROCEEDINGS ADJOURNED AT 2:09 P.M.)
16
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25

CERTIFICATE OF TRANSCRIBER

I CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
TRANSCRIPT, TO THE BEST OF MY ABILITY, OF THE ABOVE PAGES OF
THE OFFICIAL ELECTRONIC SOUND RECORDING PROVIDED TO ME BY THE
U.S. DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA, OF THE
PROCEEDINGS TAKEN ON THE DATE AND TIME PREVIOUSLY STATED IN THE
ABOVE MATTER.

I FURTHER CERTIFY THAT I AM NEITHER COUNSEL FOR,
RELATED TO, NOR EMPLOYED BY ANY OF THE PARTIES TO THE ACTION IN
WHICH THIS HEARING WAS TAKEN; AND, FURTHER, THAT I AM NOT
FINANCIALLY NOR OTHERWISE INTERESTED IN THE OUTCOME OF THE
ACTION.

A handwritten signature in black ink, reading 'Joan Marie Columbini' in a cursive script.

JOAN MARIE COLUMBINI

JUNE 27, 2018